

The House Committee on Judiciary offers the following substitute to SB 37:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 5 of Title 13 of the Official Code of Georgia Annotated, relating to the statute of frauds, so as to clarify that an agreement to modify, alter, cancel, repeal, revoke, release, or rescind a promise, agreement, contract, or commitment that is subject to the statute of frauds shall itself be in writing and subject to the statute of frauds; to respond to the holdings in *Crop Production Services, Inc. v. Moye*, 345 Ga. App. 228 (March 15, 2018); to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 5 of Title 13 of the Official Code of Georgia Annotated, relating to the statute of frauds, is amended by revising Code Section 13-5-30, relating to agreements required to be in writing, as follows:

"13-5-30.

(a) To make the following obligations binding on the promisor, the promise must be in writing and signed by the party to be charged therewith or some person lawfully authorized by him or her:

(1) A promise by an executor, administrator, guardian, or trustee to answer damages out of his or her own estate;

(2) A promise to answer for the debt, default, or miscarriage of another;

(3) Any agreement made upon consideration of marriage;

(4) Any contract for sale of lands, or any interest in, or concerning lands;

(5) Any agreement that is not to be performed within one year from the making thereof;

(6) Any promise to revive a debt barred by a statute of limitation; and

(7) Any commitment to lend money.

(b) Any agreement to modify, alter, cancel, repeal, revoke, release, or rescind a promise, agreement, contract, or commitment provided for in subsection (a) of this Code section

27 must be in writing and signed by all parties to such agreement; provided, however, that if
28 the party against whom enforcement of such agreement under this subsection is sought
29 admits in a pleading, in testimony, or otherwise in court, that the agreement was made, then
30 such agreement is enforceable if valid in all other respects."

31 **SECTION 2.**

32 All laws and parts of laws in conflict with this Act are repealed.